

REMARKS

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1-17 are pending in the present application. Claims 1, 10, and 15 are the independent claims.

Claims 11-14 have been amended. No new matter is believed to have been added.

The Office Action objected to claims 11-14. By the present Amendment, Applicants have amended claims 11-14 in view of the Examiner's comments. Favorable consideration is respectfully requested.

Claims 10, 11, 13, and 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,337,841 (Kim et al.). Claims 1-8 and 15-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim et al. in view of U.S. Patent 5,659,531 (Ono et al.). Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim et al. and Ono et al. further in view of U.S. Patent No. 4,594,038 (Kubota et al.). Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim et al. further in view of Ono et al. All rejections are respectfully traversed.

Independent claim 10 recites, inter alia, diffracting the light beam which is incident on the second surface of the beam splitter into a relatively more +1-order diffracted light beam and relatively less residual light when the light source emitting the light beam is optically closer to the recording medium than the other light source, and diffracting the light beam which is incident on the second surface of the beam splitter into a relatively more zero-order diffracted light beam and relatively less residual light when the light source emitting the light beam is optically farther from the recording medium than the other light source.

However, Applicant respectfully submits that Kim et al. does not teach at least the aforementioned feature of independent claim 10.

Kim et al. relates to a compatible optical pickup. The Office Action takes the position that the aforementioned feature is taught at Col. 6, lines 3-11 of Kim et al. Applicant respectfully disagrees.

It is noted that the portion of Kim et al. on which the Office Action relies teaches that the diffracting occurs at a second region 135b of a stepped planer lens 135, not the beam splitter

131. Thus, Kim et al. does not meet at least the aforementioned feature of independent claim 10.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 10 under 35 U.S.C. § 102 are respectfully requested.

Statement of Common Ownership

Applicants state that the present application and U.S. Patent No. 6,337,841 (Kim et al.) were, at the time of invention of the subject matter of the present application, owned by, or subject to an obligation of assignment to the same entity, --namely Samsung Electronics, Co., Ltd. Thus, it is respectfully submitted that U.S. Patent No. 6,337,841 (Kim et al.) does not qualify as prior art under 35 U.S.C. § 103(a) against any claim of the subject application. (See MPEP § 706.02(I)(3).

Regarding the rejections of claims 1-10 and 15-17 under 35 U.S.C. § 103(a), it is respectfully submitted that the respective secondary and tertiary citations to Ono et al. and Kubota et al. do not teach or suggest all of the features of these claims.

Accordingly, favorable reconsideration and withdrawal of the rejections of claims 1-10 and 15-17 under 35 U.S.C. § 103(a) are respectfully requested.

In view of the foregoing, Applicants respectfully submit that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.


There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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